

UNPUBLISHED**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 20-6135

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTHONY ANDREWS, a/k/a Wheat,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at
Wilmington. Terrence W. Boyle, Chief District Judge. (7:01-cr-00027-BO-1)

Submitted: May 21, 2020

Decided: June 11, 2020

Before KING, AGEE, and FLOYD, Circuit Judges.

Affirmed in part and dismissed in part by unpublished per curiam opinion.

Anthony Andrews, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Anthony Andrews appeals the district court's order denying his Federal Rule of Civil Procedure 60(b) motion for relief from the district court's prior order dismissing his 28 U.S.C. § 2255 (2018) petition and denying his motion to seal. First addressing the motion to seal, we have reviewed the record and find no reversible error. Accordingly, we affirm this portion of the district court's order for the reasons stated by the district court.

See United States v. Andrews, No. 7:01-cr-00027-BO-1 (E.D.N.C. Jan. 15, 2020).

Turning to the portion of the district court's order denying Andrews' Rule 60(b) motion, this portion of the order is not appealable unless a circuit justice or judge issues a certificate of appealability. *See* 28 U.S.C. § 2253(c)(1)(B) (2018); *see also United States v. McRae*, 793 F.3d 392, 399-400 & n.7 (4th Cir. 2015). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." *See* 28 U.S.C. § 2253(c)(2) (2018). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong. *See Buck v. Davis*, 137 S. Ct. 759, 773-74 (2017). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable and that the motion states a debatable claim of the denial of a constitutional right. *See Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

We have independently reviewed the record and conclude that Andrews has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss this portion of the appeal. Additionally, we deny Andrews' motion to seal his

briefs and his motion to proceed under a pseudonym. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*AFFIRMED IN PART,
DISMISSED IN PART*